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C O R R E C T E D C O P Y -- (PARA. NUMBERING)

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SUBJECT: TOGO: CONSULAR FRAUD SUMMARY

¶1. SUMMARY: The following is the Consular Fraud Summary update for the period of April to September 2009. END SUMMARY.

¶2. COUNTRY CONDITIONS: The international donor community has slowly returned to assist Togo to emerge from years of economic stagnation. However, the local economy has been hit hard by the international economic crisis, massive flooding in 2008, and a reluctance of foreign businesses to invest before the presidential 2010 election. The Government of Togo (GOT) is currently focusing almost entirely on preparation for the presidential elections scheduled for February 28, 2010. The international community is calling on Togo to have free, transparent, credible, and peaceful elections, however increasing dissension between GOT, the ruling party and the opposition parties on elements of the electoral code and the formation of the Independent National Electoral Commission have seriously delayed election planning. Togo has a history of violence during election periods and there are growing concerns that there will be a repeat of the civil unrest that erupted during the 2005 Presidential election. The fear of violence could lead to an increase in visa applicants in the coming months. Furthermore, should violence occur, Post expects a rise in asylum claims at the Department of Homeland Security similar to the increase during the 2005 Togolese Presidential elections. Natural Disaster Damages: The GOT is still working on repairing the infrastructure of the capital and key bridges, which were destroyed during flooding last year. With assistance from China, the GOT was able to reconstruct and inaugurate three major bridges on the primary routes linking the North and Southern portions of the country, and the major commercial routes to Burkina Faso. However, much more still remains to be done.

¶3. NON IMMIGRANT VISA FRAUD: Over the last six months, NIV fraud investigations represented only 6% of FPU's total investigation workload. Most of these applicants intended to study, visit or conduct some form of business in the U.S. The number of fiance petitions doubled. Bank Document Fraud: None of the bank documents that were investigated by FPU were found to be fake during the reporting period. The large number of arrests associated with fraudulent bank documents over the past few years has deterred new applicants from providing fake paperwork. Passport Fraud: One tourist visa applicant was arrested during the reporting period for using a fake passport. The applicant stated during his visa interview that he was going to visit his brother who is a diplomatic courier. The subject was issued a single-entry visa valid for three months. He later returned to the Embassy to apply for another visa, with a complex story about getting his passport and visa confiscated in Holland. The Fraud Unit of the American Embassy in Amsterdam confirmed that the subject was arrested and deported after he presented a fake passport to local authorities at the Amsterdam airport. The applicant was arrested by the Togolese gendarmes and he confessed that he had bought the fake passport from a fetish priest after he was unable to get a passport in a timely manner from the GOT. Students Visa Application: In the months approaching the end of the fiscal year, Embassy Lome saw an increase in the number of student visa applications from third country nationals. Allegedly resident of Nigeria, Ghana and Benin, these applicants claimed they

were given appointment dates in their country of residence that would not allow them sufficient time to travel before the beginning of the school year. Applicants meeting this profile were routinely denied. High School Diplomas with International Schools: There has been a decrease in the number of student visa applicants from schools that don't follow the Togolese/French education model, i.e. do not prepare students to pass the baccalaureate (BAC). Togolese high school diploma fraud has also decreased. Over the past fiscal year, 99% of all BACs verified were genuine. The Fraud Prevention Unit has maintained a good working relationship with the Office of the Baccalaurat and is working on improving access to BAC rosters in order to provide quick and timely verification of high school degrees. It should be noted that many of the diplomas that were confirmed to be fake were by Togolese diversity visa (DV) winners who were interviewing at other posts.

14. IMMIGRANT VISA FRAUD (Non-DV): Most IV cases seen at Post are CR/IR and V92 follow-to-join applications. During the past six months, 14% of FPUs workload was comprised of IV investigations. This rate represents half of the workload from last semester. An overall rate of 25% of all IV investigations discovered either fake marriage certificates or sham marriages. V92 follow-to-join applications: Approximately 25 percent of V92 cases involved fraudulent paperwork where the original marriage or birth certificates provided by the applicant could not be located at the registrar's office. These applicants can rarely provide proof of their relationship and many gave the same story -there was fire or flooding in the area/house and all their pictures and their original marriage certificate were destroyed. What is notable is that in a number of the V92 cases where the applicants have provided inconsistent responses when asked questions about the petitioner during the interview, or when they have provided clearly photo-shopped pictures or fraudulent documents as proof of their relationship, later DNA testing has found that the claimed relationships are genuine. Revocations: Six revocations were sent during this reporting period.

15. DIVERSITY VISA FRAUD: Diversity Visa investigations represented 79% of FPU's workload over the last six months. Over 80 percent of DV applicants for the 2008 fiscal year were qualified and issued a visa. This represents a notable change from the past where often less than 50 percent of applicants were determined to be eligible (2006). We attribute this to better outreach and explanation of the eligibility requirements for the DV visas. High school diplomas (BACs): Most DV applicants are now BAC holders. Officers refer all such diplomas to the Fraud Prevention Unit for systematic verification. As mentioned above, only 1% of all BACs verified this year were confirmed fraudulent. There is therefore no major fraud concern at the moment, most likely because all applicants know their diplomas will be verified. Some DV applicants pretend to qualify on the basis of education by bringing technical diplomas or degrees earned abroad in a different education system. Post systematically refers such applicants to the National Committee for Certification and Equivalence of Diplomas. No diplomas have been confirmed as fake during this period. Employment Verifications: Post continues through O'Net Online classification to determine whether applicants' expertise meet the right job zone. The Fraud Prevention Unit performs onsite investigations to ascertain the level of expertise that the applicants claim to have. Many applicants have their jobs listed on the O'Net, but fail to have the level of expertise required. Relationship Fraud: There was a substantial decrease in the number of married DV applicants. Most applicants are now single and qualified on the basis of education. However, near the end of the DV season, some fraud trends began to emerge. The Nigerian Fraud Ring: A number of Nigerian applicants appeared at the end of September demanding an interview. These individuals often married shortly after playing the diversity visa lottery, listed the same intending residential address in the United States, reported being born in Togo, and claimed Nigerian nationality. They all claimed to be from the same tribe in Nigeria and their documents (marriage certificate, birth certificates) where Nigerian, where fraud is so rampant it is impossible to verify vital documents. Many of the applicants spoke only broken English, yet all claimed to be high school graduates. In one of these instances, it was discovered that the applicant's husband had been previously arrested by Togolese authorities through the U.S. Embassy for his role in producing fraudulent documents for a number of other diversity visa applicants (2008). Both he and the principal applicant were denied. In the

last two months of the fiscal year, Post interviewed over two dozen couples who married on December 31, 2007, seven of which were Nigerian. Verification of these marriage certificates revealed that the registers were not at the central archives. An onsite visit to the local registrar's office was also unsuccessful in locating the marriage certificates. In some cases, these couples also presented children as theirs; however, interviews revealed that the couples knew little about the children.

¶6. ACS AND PASSPORT FRAUD: Post experienced little ACS fraud this semester. During the reporting period, a total of seven applications for Consular Report of Birth Abroad were received. Of these, four cases were requested to provide DNA confirmation. Two of the submitted tests have been returned confirming paternity, while post awaits the result of the remaining two cases. A single case of identity theft was reported to the embassy by the airport's immigration office. The individual was an American citizen trying to board an Air France flight with a young lady that he presented as his wife. Both subjects were denied access to the flight. After many interviews conducted by the immigration officer, the couple confessed that the female traveler was not the owner of the passport. Both passports were confiscated and sent to the Embassy while the two individuals were sent to jail. Verification in PIERS confirmed that both passports were authentic. After several days of detention, both subjects were released. When the American citizen came to the Embassy to request that his passport be returned, he confessed to RSO that the second passport belonged to his wife who is currently in the United States. His passport was returned to him while his wife's passport was kept by Post, with a lookout hit entered into ACS Plus/PLOT.

¶7. ADOPTION FRAUD: Post has not received any adoption cases since Togo resumed national and international adoptions last December. However, Post was asked to verify an adoption decree for Cotonou, which was confirmed to be fraudulent. Post has also seen fake adoption decrees submitted in support of IR2 petitions. It appears that many American citizens (and Togolese) believe that a parental delegation or a child custody order issued by the Togolese court is equivalent to an adoption decree, thus revealing the need for Post to do more outreach to those intending to adopt in Togo. Post is still seeking to clarify whether Togo is recognized as party to the Hague Convention on Inter-Country adoptions.

¶8. DNA TESTING: DNA testing continues to be recommended in the many IV and V92 follow-to-join cases when a child is involved, and when the beneficiary has limited knowledge of the petitioner. In the reporting period, Post has received few negative results. In the past fiscal year, only 3% of DNA test results received at Post were negative. In total, 121 DNA tests were conducted over the last year, four of which were associated with applications for Consular Report of Birth Abroad.

¶9. ASYLUM AND OTHER DHS BENEFITS FRAUD: Post had far fewer asylum related investigations over the last fiscal year, compared to the prior three years. Post was asked by DHS to investigate civil documents like birth, death and marriage certificates, and a Togolese passport. All the documents in question were either fake or were impossible to verify because the registers were not found. DHS verifications represent only 1% of the overall FPU workload. However, these verifications were complex and required upcountry trips to remote villages of Togo where office administration rules are usually not observed.

¶10. ALIEN SMUGGLING, TRAFFICKING, ORGANIZED CRIME, AND TERRORIST TRAVEL: Post was notified that a West African woman living in New Jersey was found guilty of smuggling in more than 20 Togolese and Ghanaian girls into the United States beginning in 2002. The children, some as young as 10-years-old, were forced to braid hair up to 14 hours a day at salons in New Jersey. Immigration and Customs Enforcement began investigating the human-trafficking operation in 2007 and the ring leader, a Togolese native, was found guilty by a federal jury in early October of 22 counts, including conspiracy to commit forced labor, smuggle illegal aliens and visa fraud. The U.S. Attorney's office said that the girls were smuggled in to U.S. after attending a virtual "visa-fraud school," in Lome, where the girls were coached to trick embassy officials into believing they were spouses or children of people who won visas through the DV lottery program.

¶11. DS CRIMINAL FRAUD INVESTIGATIONS: Post has been working cooperatively with DS on several cases involving visa fraud and former DV winners who are currently in the military. In these cases, the original DV winners added spouses after they played the lottery in 2004-2005, emigrated with these new spouses, joined the military immediately, divorced their spouses within a few months of arrival to the U.S., returned to Togo and remarried and filed expedited petitions for new spouses. In one of these cases, during the interview with the beneficiary (the second spouse), it became clear that the relationship had existed long before the first marriage. Post was contacted by U.S. military officials requesting additional information on several of these petitions because they suspected visa fraud has taken place in obtaining the original DV2 visa.

¶12. HOST COUNTRY PASSPORT, IDENTITY DOCUMENTS AND CIVIL REGISTRY: Document Fraud continues to be rampant at Post. Post routinely encounters irregularities in the issuance of civil documents, especially at the Vital Statistics Bureaus and in the courts. Many documents are not valid because the law and procedures have not been followed by the civil servants or the judges. Many Togolese lack information about the correct procedures for obtaining civil documents. In addition, the belief that one always needs an intermediary drives unsuspecting people into fraud rings. For example, the holder of a fake passport arrested in Amsterdam was lured into a fraud ring because he was in a hurry to renew his expired passport. In the past six months, fraud trends that have been observed include: documents which were signed by officials unauthorized to do so, legal documents that were obviously or discretely altered by civil servants, and marriage by proxy permitted by civil servants despite being prohibited by Togolese law. Many foreigners pay to establish a birth, death or marriage certificate in Togo, but do not appear in court or at the registrar. They rely upon the visa fixer to obtain all the necessary documents on their behalf. The Fraud Unit discovered a large number of back-dated marriage certificates issued and officially recognized by a civil servant.

¶13. COOPERATION WITH HOST GOVERNMENT AUTHORITIES: Post continues to work closely with the host Government on issues pertaining to visa fraud. Due to the many problems encountered with vital statistics bureaus, Post will organize a fraud workshop in November with mayors, archives and office managers, immigration officers, airline staff and other missions, to inform, educate and help combat fraud in Togo. Post has reached out the British High Commission as well as local missions in the hopes of exchanges tips and fostering an increase in collaboration. Post has also asked DHS in Accra to participate and offer tips.

¶14. AREAS OF PARTICULAR CONCERN: Post is working on strategies to determine the validity of marriages or fiance relationships without having to go on lengthy site visits which yield mixed results. Post is also looking at how to deal with the Nigerian visa fraud ring based in Lom. Post may begin referring cases where applicants have few ties to Togo, back to Nigeria for adjudication.

¶15. STAFFING AND TRAINING: During this reporting period, all consular positions involved in fraud investigation have remained filled. As such, Post has not encountered any staffing issues. Apart from the aforementioned fraud workshop, which will be beneficial to all consular team members, the consular assistant in charge of Immigrant Visas will be attending fraud training (PC 542) in November. Post is looking forward to other FSI or regional training opportunities for other consular staff.

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